



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

June 6, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MOUNTAIN VIEW LAND LP
719A E 700 N
RUPERT ID 83350

RE: APPLICATION TO LEASE A PORTION OF WATER RIGHT 36-7945 TO THE WATER SUPPLY BANK

Dear Lessor:

The Department of Water Resources (Department) has completed its review of your application to lease water rights to the Water Supply Bank (Bank). Based on that review, the Department must deny your application. The reasons are described below.

The Water Supply Bank Rules (also known as IDAPA 37.02.03) provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration is whether lease and subsequent rental of the rights will result in enlargement. Enlargement is based on extent of development and beneficial use. 36-7945 is supplemental to water rights held by A&B Irrigation District. Because of their supplemental nature, the extent of use under supplemental rights is often much less than is on the face of the right, making it difficult to rent supplemental water rights without enlargement. Often when a supplemental right is offered to the Bank, the primary right (in this case, water rights held by A&B Irrigation District) is offered to the Bank as well to prevent enlargement. If you wish to reapply for a lease, please include documentation regarding the historic use of the supplemental right.

Supplemental water rights are difficult to forfeit through 5 years of non-use through their very nature – they are only used when needed. However, if you are concerned about forfeiture, you might want to consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right. This form is available from the Department's web site at www.idwr.idaho.gov.

If you have questions regarding this matter, feel free to contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: Allen Merritt – IDWR Southern Regional Office
Cindy Yenter – Watermaster, Water District 130